

**Notice of Allowability**

Application No.

09/751,653

Examiner

Hanh Nguyen

Applicant(s)

SALEH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed on 7/5/05.
2. ☒ The allowed claim(s) is/are Claims 1, 146-170 renumbered 1, 2, 9-11, 3-8, 13, 14, 21-23, 15-20, 12, 24 and 26 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 7/5/01, 9/30/03, 1/16/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.



**HANH NGUYEN  
PRIMARY EXAMINER**

Continuation of Attachment(s) 9. Other: Drawing filed on 7/5/01 is accepted.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee:

Authorization for this examiner's amendment was given in a telephone interview with Cyrus Bharucha (512) 439-5080 on 9/22/05.

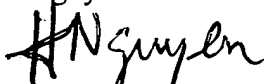
The application has been amended as shown in the attached copy:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday 8:30 AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

  
September 22, 2005

*Attached copy*

1. (Currently amended) A method for restoring a virtual path in an optical network, the method comprising:

detecting a port failure of a first port within a link between a first node and a second node of said virtual path;

in response to a determination that at least one alternate port is available within said link, restoring said virtual path to a second port of said at least one alternate port using said first node, wherein said restoring said virtual path to said second port comprises transferring a restoration message packet between said first node and said second node, wherein said restoration message packet relates to a suggested port usable to replace the first port; and

identifying said second port within said link in response to said transferring.

168. ( New) The method of claim 1, wherein said restoration message packet comprises a field for a port suggestion to replace the first port.

156. ( Currently amended) A machine-readable medium having a plurality of instructions executable by a machine embodied therein, wherein said plurality of instructions, when executed, cause said machine to perform a method for restoring a virtual path in an optical network, the method comprising:

detecting a port failure of a first port within a link between a first node and a second node of said virtual path;

in response to a determination that at least one alternate port is available within

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said link, restoring said virtual path to a second port of said at least one alternate port using said first node, wherein said restoring said virtual path to said second port comprises transferring a restoration message packet between said first node and said

second node, wherein said restoration message packet relates to a suggested port usable to replace the first port; and

identifying said second port within said link in response to said transferring.

169. ( New) The machine-readable medium of claim 156, wherein said restoration message packet comprises a field for a port suggestion to replace the first port.

167. (Currently amended) A system comprising:

means for detecting a port failure of a first port within a link between a first node and a second node of a virtual path within an optical network;

in response to a determination that at least one alternate port is available within said link, means for restoring said virtual path to a second port of said at least one alternate port using said first node, wherein said means for restoring said virtual path to said second port comprises means for transferring a restoration message packet between said first

node and said second node, wherein said restoration message packet relates a suggested port usable to replace the first port; and

means for identifying said second port within said link in response to said transferring.

170. (New) The system of claim 167, wherein said restoration message packet comprises a field for a port suggestion to replace the first port.